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## MEET THE FORMER KOCH ADVISER SLASHING CONSERVATION SAFEGUARDS AT THE DEPARTMENT OF THE INTERIOR

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(Photo: Saul Loeb/AFP/Getty Images)

Daniel Jorjani, the Department of the Interior's principal deputy solicitor, once advised Charles Koch. Now, he takes meetings with industry representatives and rolls back conservation protections.

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The United States Department of the Interior made national headlines over the holiday season when it issued two legal opinions that slashed Obama-era conservation protections for wilderness and wildlife. The [first opinion](#) rolled back the Obama administration's 2016 decision to block development of a copper and nickel mine on the border of the Boundary Water Canoe Area Wilderness in northern Minnesota. The [second opinion](#) rescinded an Obama-era interpretation of the [Migratory Bird Treaty Act](#) that had empowered federal officials to prosecute oil, gas, wind, and other companies that accidentally kill birds in the course of their business activities. The decisions, [both of which](#) were issued on December 22nd, represented significant victories for the extractive industries.

The eradication of these environmental policies, meanwhile, was helmed by a little-known but high-powered lawyer inside the Department of the Interior named Daniel Jorjani. Jorjani is the department's principal deputy solicitor, and his signature adorned both orders when they were publicly released in Washington, D.C., last month.

Jorjani is one of Secretary of the Interior Ryan Zinke's top legal operatives, and a former adviser to the billionaire industrialist Charles Koch. Newly obtained public records show that Jorjani had a busy first year in office interacting with industry representatives who have business before the department.

According to his personal calendar, which *Pacific Standard* obtained via a records request, Jorjani met or communicated with industry lobbyists, lawyers, trade groups, consultants or corporate officials no fewer than two dozen times between mid-May and October of last year. Before he made headlines in December, for instance, he had at least two meetings with representatives of the firm behind the aforementioned Minnesota copper mine. He also had numerous engagements with a prominent lawyer and a meeting with a trade group that represents industries opposed to the Obama administration's Migratory Bird Treaty Act interpretation.

Jorjani's schedule also shows him meeting or communicating with Oregon timber interests, the leader of a mining association, and a lawyer for the cattle industry, among other parties. Meetings between Jorjani and public interest or conservation groups during that same timeframe, meanwhile, appear to be exceedingly scarce.

Jorjani's schedule, which is being released here for the first time, reinforces the notion that industry interests with pressing legal and policy concerns consistently gain access to the most influential decision-makers in President Donald Trump's Department of the Interior.

Daniel Jorjani officially took on his current duties at the Department of the Interior in late May of last year. His ascension came after a long career working with extractive industry interests and conservative policymakers. He served in the Department of the Interior as a legal counselor during the George W. Bush administration. More recently, Jorjani worked as a key adviser to the far-right billionaire industrialist Charles G. Koch, whose privately held company Koch Industries has a diverse array of investments in the fossil fuel sector. Indeed, before coming to Trump's Department of the Interior, Jorjani was employed as the general counsel at Freedom Partners, a powerful non-profit organization that was once described by *Politico* as the Koch brothers' "secret bank."

On May 26th, Interior announced that Jorjani had joined the department to become the principal deputy solicitor there, a role that gives him influence over crucial legal decisions. Even before that date, however, Jorjani appears to have begun working on issues related to the MBTA, a 1918 law that prohibits the hunting, killing, or taking of migratory birds without a permit.

In its final days in office, the Obama administration issued a broad interpretation of the law, declaring that companies and other parties could now face legal penalties under the MBTA if their activities accidentally or unintentionally led to the death of such birds. This meant that a company whose wind turbines or oilfield ponds or other infrastructure or activities resulted in the unintended death of protected species could be held legally liable. Energy interests, including the oil and gas industry, chafed under the Obama administration's use and interpretation of the MBTA. But under Trump, they had an evident ally working on the issue inside the Department of the Interior.

On May 25th, Jorjani attended a lunch with colleagues that included an "MBTA discussion," according to his calendar. Later that summer, on July 24th, Jorjani met with Department of the Interior lawyer Peg Romanik to get an "update" on MBTA. In December, he issued his decision on the matter.

During this time, Jorjani was regularly in touch with oil and gas and other energy industry representatives. His personal calendar, for instance, lists three separate phone calls with Rebecca Watson, a prominent attorney at the firm Welborn Sullivan Meck & Tooley who "counsels energy, oil and gas, renewable and mining companies" on regulatory compliance. Watson, a former high-level Department of the Interior official herself, is also the past secretary of the Western Energy Alliance. In 2010, she represented the group in a lawsuit against the Department of the Interior concerning oil and natural gas leasing on federal lands.

According to his calendar, Jorjani and two colleagues had a 30-minute phone call with Watson on Monday, May 22nd. Later that week, on Friday, May 26th, he had a second call with Watson. Then, once again, on June 23rd, he had a third discussion with Rebecca Watson, along with other colleagues.

On December 22nd, Jorjani issued the order that rolled back the Obama administration's MBTA stance, saying that the law does not apply to incidental or accidental takes, but only to "direct and affirmative purposeful actions" such as poaching. Shortly thereafter, Rebecca Watson released a lengthy and rather celebratory response. On December 29th, she penned a detailed two-page blog post for her law firm elaborating on Jorjani's legal order.

"Mining, oil and gas, wind, solar and transmission companies who have struggled to comply with the Migratory Bird Treaty Act of 1918 (MTBA) received an early Christmas present from the U.S. Department of the Interior's lawyer," she wrote, before quoting at length from Jorjani's order and analyzing its legal merits. She added later, "Why was addressing the MBTA a priority for the Trump administration? ... For one, it was a 'midnight rule' exemplifying the Obama-era regulation of the energy industry."

The Western Energy Alliance, with whom Watson has been closely aligned over the years, was gleeful about the move. The group's president, Kathleen Sgamma, told HuffPost that the Trump administration's decision "returns the rule of law and will help prevent the disparate treatment of industries and the politically motivated use the MBTA as a weapon."

In a statement, Watson said her communications with Jorjani had nothing to do with MBTA. "I have not met with Dan Jorjani concerning the MBTA, we have never discussed the law, the Obama opinion or this solicitor's opinion at any time," she wrote. Regarding her blog post, she added that "I write on a number of topics that interest me and I have addressed the MBTA over the years in my practice with timber, mining, oil and gas and solar companies...." When asked, Watson would not say what had been the purpose of her multiple conversations with Jorjani, citing legal ethics rules.

During this period, Jorjani was in communication with other major energy industry players as well, including an hour-long June 29th meeting and phone conference that he and numerous colleagues held with leaders of the Gulf Energy Alliance, a coalition of offshore and other oil and gas interests operating in the Gulf of Mexico. In a comment to the *Washington Post* on December 26th, one of the Gulf Energy Alliance's founding members hailed Jorjani's decision.

The Department of the Interior's "common-sense approach ensures that lawful activities are not held hostage to unnecessary threats of criminalization," a spokesman for the National Ocean Industries Association, an offshore drilling industry trade group, told the *Post*.

Nowhere on his calendar between May and October does Jorjani appear to communicate with groups like the Audubon Society or the American Bird Conservancy that may have a public interest in an issue like MBTA. These instances indicate that Jorjani makes a practice of prioritizing meetings with industry parties, and then issuing industry-friendly legal decisions. And this practice comes across especially clearly in the Minnesota mining case.

Back in December of 2016, the Obama administration declared that it would not renew leases for a proposed copper and nickel mine on federal land near the border of Minnesota's famed Boundary Waters Canoe Area Wilderness. Instead, the administration launched a review to determine whether it should prohibit altogether mining activities on federal parcels adjacent to the wilderness area.

The decision amounted to a major loss for the Chilean mining firm Antofagasta, Plc, whose subsidiary, Twin Metals Minnesota, held the leases and had hoped to open a new project near the border of the Boundary Waters. Twin Metals sued in federal court to challenge the federal government's stance on the lease renewals.

On December 22nd, however, Twin Metals' bad luck changed for the better when Jorjani signed an order that rescinded the Obama administration's decision and prepared the way for the renewal of the company's leases. The Bureau of Land Management, he wrote in his order, "does not have the discretion to deny the renewal."

Jorjani's decision came after a concerted lobbying effort by Twin Metals and its parent company, which is owned by the billionaire Luksic family of Chile.

On June 14th, 2017, Jorjani and a handful of colleagues met personally with Raya Treiser and Andy Spielman of WilmerHale, a law and lobbying firm that represents Twin Metals. In 2017, Twin Metals paid WilmerHale \$270,000 to represent its interests in Washington, according to the Center for Responsive Politics. Per Jorjani's schedule, the meeting was slated to last for 30 minutes and was titled simply "Twin Metals—Spielman/SOL."

A little more than a month later, on July 25th, Jorjani, along with Associate Deputy Secretary of the Interior James Cason, Special Assistant Kathleen Benedetto, and numerous other high-level department officials, met for a 45-minute meeting with Antofagasta, Plc, to discuss the Twin Metals Minnesota Project.

Less than five months after that, Jorjani was putting his signature to an order that sets in motion the renewal of the company's potentially lucrative leases in northern Minnesota's canoe country.

Twin Metals Minnesota did not reply to multiple requests for comment for this story. Again, according to his calendar, it does not appear that Jorjani met with any conservation organizations regarding the Minnesota mining issue between mid-May and October of last year.

Besides the Minnesota mining case and MBTA, Jorjani and colleagues had numerous other notable meetings with industry groups and lobbyists during his first months as the principal deputy solicitor, including:

- Two separate meetings, one in May and one in September, with representatives of the American Forest Resource Council, a timber industry group that has led the legal and public relations opposition to President Barack Obama's expansion of the Cascade-Siskiyou National Monument in southern Oregon.
- An October 11th meeting with the Trump-aligned Florida-based lobbying firm Ballard Partners to discuss Wisteria Island. Ballard Partners represents a private company called F.E.B. Corp, whose owner seeks to take control of and develop the uninhabited and federally owned island in the Florida Keys.
- A June 22nd meeting with Laura Skaer, the executive director of the American Exploration and Mining Association.
- Two August discussions with Karen Budd-Falen, a Wyoming property rights attorney who has a long history of representing the cattle ranching industry and opposing the Endangered Species Act and other environmental laws.

Department of the Interior spokesperson Heather Swift did not reply in detail to a list of questions sent to her office. Rather, she responded with this comment: "Are you suggesting that it's breaking news and somehow salacious that a government official would meet with stakeholders about a project before the government?"

After being pressed for a further statement, she released the following:

*This issue has been pending before the Department for some time, and as such individuals and organizations representing all sides of the issue have met with a number of officials at the Department. ... To claim that Interior is only meeting with one side of issues by cherry picking meetings, throwing them out of context, and making up details about what could have been discussed smacks of political advocacy rather than honest reporting. The fact is, the solicitor's office has an open door policy and regularly meets with conservation organizations as well as pro-business representatives.*

When asked explicitly if Jorjani met with any conservation and public-interest parties with a stake in the MBTA or Minnesota decisions, Swift did not reply.

What's more, key conservation groups like the Audubon Society (the country's preeminent bird advocacy organization) say they were never consulted by Interior on the matters in question.

"Audubon was never invited to Interior to discuss [the MBTA] change," said Nicolas Gonzalez, the media relations manager at the Audubon Society. "As far as we know—again, we haven't spoken with all green groups—conservationists were not approached at all."

Meanwhile, two of the leading organizations fighting to protect the Boundary Waters say they were left out of the process as well.

"We have never met with Jorjani, we have never met with the solicitor or a political appointee in the solicitor's office," said Becky Rom, a member of the governing board of the Wilderness Society and national chairperson of the Campaign to Save the Boundary Waters. "We did not have an opportunity to meet with him, we did not know it was under reconsideration and we did not know that the opinion was coming out. We would have liked to have had input because we feel that the opinion is not correct on the facts or the law."

Taken together, conservationists say that Jorjani's activities are yet more evidence that industry lobbyists, lawyers, and other representatives have unprecedented influence over the direction of Ryan Zinke's Department of the Interior.

"The level of access that these lobbyists have is truly remarkable," said Aaron Weiss, media director at the Center for Western Priorities. "For all the talk of draining the swamp, Ryan Zinke has filled Interior with swamp creatures who are getting exactly what they want out of the Department."

John Leshy, the former Department of the Interior solicitor under President Bill Clinton, calls the current department leadership "pretty extreme" compared to past administrations.

"My general philosophy, and I think it has been true of all past solicitors, is that you need to appear to be even handed," he said. "If you are going to meet with one side you should meet with the other side."

Then again, Leshy adds, "it doesn't surprise me that they are meeting steadily with industry, because look at the decisions they are making. This is the most pro-industry, pro-mining, pro-fossil-fuels administration in 100 years."